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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2019/2020

UIF2612 – ISLAMIC FAMILY LAW

(All Sections / Groups)

25 OCTOBER 2019

Reading Time : 9.00a.m-9.15a.m

(15 Minutes)

Answering Time: 9.15a.m-12.15p.m

(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 3 pages with 5 Questions only.
3. This Question paper consist of 2 sections. Attempt **ONE** question only in Section A and all **THREE** questions in Section B. The distribution of the marks for each question is given.
4. Students are only allowed to bring into exam hall a **CLEAN AND ORIGINAL COPY** of:
 - i. Islamic Family Law (Federal Territory) Act 1984
 - ii. Al-Quran Translation"Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.
5. Please write all your answers in the Answer Booklet provided.

SECTION A (Answer ONE question only)**QUESTION 1**

Ziana, a very good and kind young lady married to Arman, a successful lawyer on 30 April 2016. At the beginning of their marriage, everything went well and they lived happily. Both of them are working and they bought a house for their family. However, after some times, they started to argue with each other almost every day pertaining to their marital problems and some domestic disputes. Arman wanted Ziana to follow his western lifestyle whereas Ziana was brought up by her family in an Islamic and decent way of life.

One day, they had a big quarrel between them where Arman was unable to control his anger during that time because he was drunk. Arman has divorced his wife Ziana with one *talaq* on 8th July 2016 at their matrimonial home in the presence of Ziana's sister, Nora. Arman then left the house and never came back. On 21st February 2017, Ziana meets you to get your advice on her and her son's rights who was born on 18 January 2017 as Arman never gave her any maintenance since he left their matrimonial house. On the other hand Arman refused to acknowledge that the baby boy is his son.

Advise Ziana and support your answer with relevant authorities.

(Total: 25 marks)

QUESTION 2

Nurul has been married to Shah for ten years. They have three children aged 8, 5 and 2. Nurul quits her job as a lecturer on the request of Shah after she gave birth to her first child. Over the years, Shah has become a successful businessman and has bought many properties.

Lately, Nurul is unhappy with her married life because Shah is neglecting his family. Nurul also knew that Shah is having an affair with his secretary. When Nurul confronted him on these matters, he was so angry that he divorced her with triple *talaq*. He forced her out of the house and she was not allowed to take the children with her.

Continued...

Two months after the incident, Shah regretted the whole event and wanted to reconcile with her. Nurul agreed to reconcile with him when she discovered that she was three months pregnant. She seeks your advice as to whether she should reconcile with him. She also wants to know her other rights in the event of a divorce.

Advise her.

(Total: 25 marks)

SECTION B (Answer all THREE questions)

QUESTION 3

“Marriage is the only process through which families are brought into existence; therefore, it is of magnificent importance for human society. It is due to the fact that family constitutes the fundamental unit of the structure of society, that the Prophet (PBUH), insisted his followers with capability of marriage to enter marriage contract. However, it should be born in mind that there are certain procedures and rules that Shari’ah has prescribed for the process of entering into the contract of marriage which has to be abided”.

(Laluddin & Abdul Manap, *The Contract of Marriage and Its Purposes from Islamic Perspective*, Asian Social Science; Vol. 10, 2014)

Based on the above, discuss in details the elements of a valid marriage.

(Total: 25 marks)

QUESTION 4

Arina and Daniel got married three years ago and are blessed with a beautiful child, Adriana, 2 years old. During their early marriage, Daniel was a loving and caring husband. However, after he was demoted from his job, he became abusive and started hitting Arina whenever he felt angry or stressed. Feeling fearful of her and their daughter’s safety, Arina applied for *fasakh*. Arina is now in her *iddah* period and up until today Daniel continues to harass Arina by assaulting her. Daniel also told Arina that he refused to take responsibility of Adriana as well as refusing to pay for her and their daughter’s maintenance.

Continued...

- a) Advise Arina on the rights of her ancillary rights after divorce, if any.

(17 marks)

- b) Advise Arina on her rights to damages due to domestic violence and the possible ways to protect herself and Adriana from future abuse.

(8 marks)

(Total: 25 marks)

QUESTION 5

“Under Islamic Law, the divorce may take place by the act of the parties themselves or by a decree of the court of law. However, in whatever manner the divorce is affected it has not been regarded as a rule of life”.

(Lawal Mohammed Bani, *Dissolution of Marriage Under Islamic Law. Journal of Law, Policy and Globalization*, 2015)

In the light of the above statement, explain in details the methods of dissolution of marriages by decree of court with special reference to Quran, Hadith, Islamic Family Law (Federal Territory) Act 1984 as well as the decided cases.

(Total: 25 marks)

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